

*Please return to Clerk's Office*

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DATE FILED: FEB 29 2008

UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK

SECURITIES AND EXCHANGE COMMISSION, )  
Plaintiff, )  
v. ) Civil Action  
GREGG ASHLEY SMITH and ) No. 07 CV 8394 (GB)  
ELLIOT JOEL SMITH, )  
Defendants )

**ORDER DIRECTING PAYMENT TO TREASURY**

On motion of Plaintiff Securities and Exchange Commission, it is hereby,

*M.L.*  
**ORDERED** that the Clerk of this Court is authorized and directed to draw a check on the funds on deposit in the registry of this court in the principal amount of \$890,415.48, plus all accrued interest, minus any statutory users fees, payable to the Securities and Exchange Commission, Office of Financial Management, Securities and Exchange Commission, Operations Center, 6432 General Green Way, Mail Stop 0-3, Alexandria, Virginia 22312, and mail or deliver the check to the Commission, under cover of a letter that identifies the caption and case number of this case and the name of this Court, and that indicates that the funds are being paid

for deposit by the Securities and Exchange Commission, into the United States Treasury; and it is hereby further

**ORDERED** that upon receipt of such funds, the Securities and Exchange Commission, shall promptly remit the funds to the United States Treasury.

Dated: 2/29/08  
FEB 29 2008

*George B Daniels*  
UNITED STATES DISTRICT JUDGE  
**HON. GEORGE B. DANIELS**

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

---

<b>SECURITIES AND EXCHANGE COMMISSION,</b>	)
	)
<b>Plaintiff,</b>	)
	)
<b>v.</b>	)
	) Civil Action
<b>GREGG ASHLEY SMITH and</b>	)
<b>ELLIOT JOEL SMITH,</b>	) No. 07 CV 8394
	)
<b>Defendants</b>	)
	)

---

**PROPOSED ORDER DIRECTING PAYMENT TO TREASURY**

Dated: February 26, 2008

RESPECTFULLY SUBMITTED,

\_\_\_\_\_  
/s/ \_\_\_\_\_

Stephen E. Donahue (SD-5100)

ATTORNEY FOR PLAINTIFF  
U. S. SECURITIES AND EXCHANGE  
COMMISSION  
3475 Lenox Road, N.E., Suite 500  
Atlanta, Georgia 30326-1234  
Tel. (404) 842-7600  
Fax. (404) 842-7666

Certificate of Service

I hereby certify that on this 26th day of February, 2008, I caused copies of the foregoing to be served by U.S. Mail, in a properly addressed envelope to each of the following:

Seth L. Levine, Esq.  
Foley & Lardner LLP  
90 Park Avenue  
New York, NY 10016  
Counsel for Defendant, Elliot Joel Smith

and

Michael J. Missal, Esq.  
Kirkpatrick & Lockhart Preston Gates Ellis LLP  
1601 K Street, NW  
Washington, DC 20006-1600  
Counsel for Defendant, Gregg Ashley Smith

\_\_\_\_\_  
/s/  
Stephen E. Donahue  
Attorney for Plaintiff